IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION (L) NO. 40 OF 2005

IN

WRIT PETITION NO. 1302 OF 2005

M/s National Flask Industries Ltd. .. Petitioners

V/s

Saraswat Co-operative Bank Ltd. & Ors. .. Respondents

Mr.C.U. Singh with Mr.Rohit Shetty for the Petitioner (Original Respondent No.2).

Mr.A.Y. Sakhare for Respondent No.1.

Mr. C. Venkatachellam for the Insurance Company.

CORAM : H.L. GOKHALE &
S.C. DHARMADHIKARI, JJ.

DATE : 4TH JULY 2005

**P.C.** :

1. Heard Mr.Singh for the Petitioner (Original Respondent No.2), which party is seeking this review of our order passed on 19 April 2005. By that order, we had directed the Insurance Company to honour the demand of the Income Tax Department and then transfer the remaining amount to the Saraswat Co-operative Bank on behalf of other bankers who had first claim over the properties of the Petitioners in view of the loans given to them. We had further directed that the amounts were to be transferred within 3 weeks and were not to be

appropriated for a further period of 12 weeks.

2. Mr.Singh for the Petitioner (Original Respondent No.2) informs that an order has been passed by B.I.F.R. on 19th April 2005 followed by another order on 31st May 2005. In the last part of para 4 of this order, the Saraswat Co-operative Bank and other banks are directed to keep this amount in no lien account. Mr.Sakhare, who is present for the Saraswat Co-operative Bank, states that the amount has been kept in the no lien account and the bank will continue to abide by the order passed by the B.I.F.R. subject to the orders that may be passed hereafter on their applications to B.I.F.R. or other appropriate authorities.

3. Review Petition stands disposed of.

(H.L. GOKHALE, J.)

(S.C. DHARMADHIKARI, J.)